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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,308	04/25/2001	Hans Lindenthal	P/3013-6	6700
2352	7590	06/30/2004	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			BINDA, GREGORY JOHN	
		ART UNIT		PAPER NUMBER
		3679		

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/830,308	LINDENTHAL ET AL.
	Examiner	Art Unit
	Greg Binda	3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 6 & 11 May 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 25,27-32 and 34-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 25,27-32 and 34-42 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06 May 2004 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Drawings

2. The replacement drawings received on May 6, 2004 are objected because:
 - a. The lines I-I and II-II are not mentioned in the brief description of the drawings.
 - b. The labels "Fig. 1b", "I-I" and "II-II" remain in the drawings even though they should have been made redundant by the new labels "Fig. 1b-1" and "Fig. 1b-2".

Specification

3. The title of the invention is objected to because it wrongly indicates that the claimed invention comprises a method. A new title is required that is clearly indicative of the invention to which the claims are directed.

4. The specification is objected to because:
 - a. The field of invention at page 1 wrongly indicates the claimed invention is a method.
 - b. On page 10, line 14 still refers to Fig. 1b and "two views I-I and II-II".

Claim Objections

5. Claims 25 & 32 are objected to because each claim recites that a recess is provided "only in the region of stress". However, on page 4 ,lines 1 & 2 the recess is described as being "at

least" in an area of stress which means the recess could extend beyond the region of stress and therefore is not limited "only" to the region of stress.

6. Claims 27, 34 & 38 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Claim Rejections - 35 USC § 112

7. Claims 37-42 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 37, lines 15 & 16 recites the limitation "a recess over the entire region of stress".

Applicant has not pointed out where this limitation is supported, nor does there appear to be a written description of the limitation in the application as originally filed. In the amendment filed May 11, 2004, applicant states that the limitation is supported by Fig. 2. However, it is not clear where "Fig. 2" is supposed to show the limitation. Fig. 2a shows only prior art and Fig. 2b does not show a recess 20.

8. Claim 40 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 40 recites that a second recess is in a region of stress, but claim 37, lines 15 & 16 recites that one other recess is provided over the entire region of stress. How then can the

recess in claim 37 extend of the entire region of stress if it does not extend over the region of stress recited in claim 40? Do the recesses in claims 27 & 40 overlap over the “second region of stress”. If so, where is this structure described in the application as originally filed?

Claim Rejections - 35 USC § 102

9. Claims 25, 27-30, 32 & 34-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Petrzelka et al, US 4,512,679 (Petrzelka '679). Figs. 4 & 5 show an articulated yoke 8 having at least one leg member; one bearing part connected to the leg member including a supporting surface 16 defining a bore 16 therethrough; and a roller bearing arrangement 7 having a plurality of rolling elements (see Fig. 2). Fig. 4 shows the surface 16 includes recesses 12 arranged over the entire circumference of the bore 16 which means the recesses are only in regions of stress since the entire circumference of the bore 16 comprises a region(s) of stress. (Note- every point along the circumference of the bore is subjected to internal, thermal, static and/or dynamic stresses at some point in the life of the articulated yoke). Fig. 4 shows the width of the recesses 12 diminishes along the direction of the longitudinal axis 17. In col. 4, lines 13-20, the depth of the recesses 12 are disclosed as diminishing along the direction of the longitudinal axis 17. As noted by applicant on page 13 of the amendment filed Feb 24, 2003, the recesses 12 can extend along the entire length of the bore 16.

Claim Rejections - 35 U.S.C. § 103

10. Claims 31 & 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petrzelka '679 in view of Wintercorn, US 1,700,991. Petrzelka '679 shows bore 16 but does not expressly

disclose the bore as a blind hole. On page 4, lines 49-53, Wintercorn teaches making a bore as a blind hole in order to prevent the entrance of dust and to retain lubricant. It would have been obvious to one of ordinary skill in the art to modify the bearing arrangement of Petrzelka '679 by making the bore as a blind hole in order to prevent the entrance of dust and to retain lubricant as taught by Wintercorn.

Response to Arguments

11. Applicant's arguments filed May 11, 2004 have been fully considered but they are not persuasive.

a. Applicant argues that Petrzelka fails to show recesses only in areas of stress. However, as noted above, in Fig. 4 Petrzelka shows recesses 12 over the entire circumference of the bore 16. Since no point along the circumference is always free of any and all manners of stress, the recesses are shown "only" in areas of stress. If there is a region along the circumference of the bore 9 in the instant invention that undergoes no stress of any kind at any time, then applicant should identify it.

b. Applicant argues that in one embodiment of Petrzelka the depth of the recesses 12 is disclosed as increasing towards the outermost end of the yoke bore. That is true, but it is hardly grounds for overcoming the rejection given that the same feature is shown in instant Fig. 1. Note how the depth t_1 at the outermost end of the bore 9 is greater than the depth t_2 . See also in the specification at page 10, lines 14+.

c. Applicant argues that Petrzelka fails to show the limitations of claim 37 because the reference fails to show a single recess over the entire region of stress. Maybe so, but

neither does applicant. Fig. 1 is the only drawing which shows an articulated yoke with a recess 20 and that drawing shows no less than two recesses (see Figs 1b-1 and 1b-2). Furthermore, claim 37 fails to require what applicant is arguing (that one recess extend over the entire region of stress). If it were so, then why does claim 40 which includes all the limitations of claim 37, require a second recess to extend over a second area of stress. Clearly then the one recess in claim 37 does not then extend over the “second region of stress” and so therefore does not extend over the “entire” portion of the bore subjected to stress.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (703) 305-2869. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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